

Office of the Governor
Visit/Phone Record

Date

4-7-09

USADEFENDER @ SUDEN MUM
LINK.NET

E-mail Address

WFB/BS
MVA 266
JAS 276

Name

HAYWARD, VICKERY

WFB/BS
JAS 1061-
PRW

TO:

PO BOX 2024

281-380-7075

Home Address

Home Phone No.

City, State

Zip Code

SELF

N/A

Business/Organization

FAX No.

 Supports Opposes

The following legislation:

FOR HB 266 Bill No. 266 By: LEO BERNSTEIN
 FOR HB 276 - 2 ERWAS Bill No. 276 By:
 FOR HB 404 - HARLESS
 FOR HB - 622 HARLESS

Concerning/Comments
FOR HB 1061 - JACKSON

FOR VOTER ID BILL

- CLOSE THE MEX-BORDER! NOW
- TX-NAT GUARD ON MEX BORDER ASAP
- DEPORT ALL ILLEGALS
- STOP ALL SUPPORT FOR ILLEGALS
- 287g TRAIN ALL TX-POLICE & LAW OFFICERS
- ENGLISH ONLY. TX. OFFICIAL LANGUAGE

Janice McCoy

2-13-cv-00193

From: Sclanton@apex2000.net
Sent: Friday, March 13, 2009 6:55 PM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: Senate bill 362

Senate Website E-Mail for SD-24

Name: Shane Clanton
Title: [omitted]
Organization: [omitted]
Phone: [omitted]
Address: 205 Deer Hollow Drive
City: Horseshoe Bay
State: TX
Zip: 78657

Dear Senator Fraser,

I fully support your efforts in Senate bill 362.

You are right. Voter fraud is a big problem.

Please keep up the good work and don't back down from the dishonest liberal politicians who want the illegal immigrants to get to vote here.

Texas citizens should vote, and only citizens, and only one time per election.

Janice McCoy

2:13-cv-00193

From: brigadoon1107@att.net
Sent: Friday, March 13, 2009 1:18 PM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: I Support Voter I.D

Senate Website E-Mail for SD-24

 Name: Keith Fontaine
 Title: Mr.
 Organization: [omitted]
 Phone: 512-768-3826
 Address: 164 County Road 3795
 City: Lampasas
 State: TX
 Zip: 76550-1151

 Keith Fontaine
 164, County Road 3795
 Lampasas, TX 76550-1151

March 11, 2009

The Honorable Troy Fraser
 Texas Senate
 PO Box 12068, Capitol Station
 Austin, TX 78711-2068

Senator Fraser:

I fully support VOTER I.D. This will clean up once and for all, our voting system. I cannot understand why anyone with a brain in their head would oppose this measure, expect a Democrat, or the civil rights movement who are trying to turn this into racism, or stopping the minority from voting. No one is trying to stop anyone from voting. All we are asking is that we should be doing it LEGALLY! With that in mind, one now has to ask the inevitable question. Should voter I.D. get passed, would this seriously impact the voter base for the DEMOCRAT PARTY? If so, then it would appear to me that this political party of rogues is using ILLEGAL VOTES! Is it possible that the PEOPLE could vote on this very important issue state by state? Could it be done? I realise that the cost of doing something like this would run into the millions, but just how much money have we thrown around since Obama took office? Illegal voting undermines our entire system because it is not done fairly. Illegal aliens are illegal. They are criminals. They should not be here and they have NO RIGHT TO VOTE! I sent an e-mail a short time ago to Nancy Pelosi, of whom was so concerned about the illegal immigrants in her state and I asked her what part of criminal did she not understand in the word ILLEGAL? I never got a reply. Go figure.

Sincerely,

Keith Fontaine
 512-768-3826

Keith Fontaine sent this message via Congress.org, which uses the Capwiz·XC system. Congress.org is a free public service of Capitol Advantage and Knowlegis, LLC. You may access Congress.org here:
<http://congress.org>

Janice McCoy

2:13-cv-00193

From: tdpeavy@yahoo.com
Sent: Thursday, March 12, 2009 8:58 PM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: Voter ID

Senate Website E-Mail for SD-24

Name: Terry and Diane Peavy
Title: [omitted]
Organization: [omitted]
Phone: 325-239-5551
Address: P.O. Box 102
City: Voca
State: Texas
Zip: 76887

Please stand up for the Voter ID bill. Only LEGAL Texans should be allowed to vote and be counted.

Janice McCoy

From: Phillip B. Moore [pmoore002@hot.rr.com]
Sent: Wednesday, March 11, 2009 3:57 PM
To: Alternate ID Sen. Troy Fraser
Subject: Voter ID

Senator Fraser,

Thank you for taking the stand to ensure that the people who have the right to vote in this country are legal. I fully support your action regarding the Voter ID legislation.

I just heard on the news about a Houston police officer who was shot by an illegal alien. Our state needs to do a better job of policing these people and seeing to that justice is served. Never should we knowingly allow illegals in this country with a criminal record and allow them to roam free and conduct business. This man was dealing drugs right under the nose of the Houston Police Department! We could start by enforcing the laws currently on the books.

Thank You,
Phillip B. Moore
505 Pebble Cove
Killeen, TX 76542

3/12/2009

TX_00009801
TEX00009801

Janice McCoy

From: becky7@jfranch.com
Sent: Monday, March 02, 2009 4:13 PM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: Voter ID

Senate Website E-Mail for SD-24

Name: Becky Farrar
Title: [omitted]
Organization: [omitted]
Phone: [omitted]
Address: 1110 CR 266
City: Hico
State: Texas
Zip: 76457

Thank you, Senator for pushing the Voter ID bill. It's time to assure that only citizens can vote. Illegal or legal aliens are not entitled to a citizen vote.

God bless you.
Becky Farrar

Janice McCoy

From: fphill@sbcglobal.net
Sent: Saturday, February 28, 2009 11:36 AM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: voter ID

Senate Website E-Mail for SD-24

Name: pauline hill
Title: [omitted]
Organization: [omitted]
Phone: 325 673 7767
Address: 2142 idlewild st
City: abilene
State: TX
Zip: 79605

At last! I hope the GOP is desperate to get this done. And make sure it is a valid ID that is not dreamed up in some backroom photo shop in South Dallas. Don't allow the utility receipts.

Illegals pay utilities, or legal they are shacking with.
Our country is gone. Do something!

Janice McCoy

From: vknight3@verizon.net
Sent: Tuesday, March 03, 2009 1:44 PM
To: Alternate ID Sen. Troy Fraser
Subject: INETMAIL: Voter ID

Senate Website E-Mail for SD-24

Name: Vicky Knight
Title: American Citizen/Taxpayer
Organization: Basic America Survival
Phone: [omitted]
Address: 3706 Dorchester Drive
City: Rowlett
State: Texas
Zip: 75088-6403

Mr. Fraser:

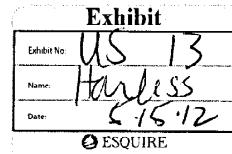
Any government representative, for which American taxpayers front their paycheck, would be out of touch with reality to assume that any person voting would NOT be required to produce documentation to establish legal identity in our polling places in Texas. This is AMERICA, and in this country, our government simply will no longer protect the interest of our REAL citizens/taxpayer. If the Democrats are unable to justify the presence in Texas of a possible voter, that person should be immediately removed from the polling place. This is such an injustice to the Amerian taxpayer. We are getting tired of watching our government, day after day, represent the interests of non- citizens of America. We actually need to have the people speak up and take action. Today is a good day to start.

Texas Legislature
Bills By Committee
Voter Identification & Voter Fraud, Select
82nd Legislature Regular Session
Report Date: 5/10/2012

Number of Bills: 1

Bills Out of Committee (1):

SB 14 Author: Fraser | Birdwell | Carona | Deuell | Duncan | et al.
Sponsor: Harless | Taylor, Larry | Pena | Truitt | Smith, Todd
Last Action: 05/27/2011 E See remarks for effective date
Caption: Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.





HOUSE OF REPRESENTATIVES
JOE STRAUS
SPEAKER

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 09, 2011

CONTACT:
TRACY YOUNG
ENRIQUE MARQUEZ
(512) 463-0223

SPEAKER STRAUS ANNOUNCES HOUSE COMMITTEE ASSIGNMENTS

AUSTIN--- Today, Speaker Joe Straus (R-San Antonio) announced the Texas House of Representatives committees for the 82nd Legislature, and issued the following statement:

"One of the most important roles of the Speaker of the House is making committee assignments. I have tried to apply the interests and expertise of individual Members to our State's challenges, and to make sure the geographic and demographic diversity of Texas is fairly represented. Under the rules of the House, a number of committee assignments are based on Members' seniority, and we also have a near-record 38 new freshmen representatives this year.

"I am eager for the committees to begin work on important legislation and for you to collaborate on the issues that matter most to our state. Today, I am referring hundreds of bills to the committees, so the House can immediately begin working on these critical issues. In my second term as Speaker, I am committed to continuing to lead the House with respect for the Members and the people who sent them here, allowing members to govern in a way that represents their constituents."

Key Facts on Committees:

- Stats and Figures
 - 27 Republican Chairs (71.05%) and 11 Democratic Chairs (28.95%)
 - 33 Male Chairs; 5 Female Chairs
 - Ethnic Composition of Chairs: 27 Caucasian; 6 Hispanic; 5 African American
 - Geographic Composition of Chairs: 23 Urban; 15 Rural
- Speaker Pro Tempore: Representative Beverly Woolley (R-Houston)
- *Officially designated* Dean of the House: Representative Tom Craddick (R-Midland)
- *Fast track* Select Committee on Voter Identification and Voter Fraud; and
- Select Committee on State Sovereignty.

Exhibit

Exhibit No:	US 12
Name:	Harless
Date:	5-15-12
ESQUIRE	

TX_00006482

Defendant's Exhibit #

411

DE-004144

USA_00011641

List of Committee Chairs:

1. Agriculture & Livestock: Representative Rick Hardcastle (R-Vernon)
2. Appropriations: Representative Jim Pitts (R-Waxahachie)
3. Border & Intergovernmental Affairs: Representative Veronica Gonzales (D-McAllen)
4. Business & Industry: Representative Joe Deshotel (D-Beaumont)
5. Calendars: Representative Todd Hunter (R-Corpus Christi)
6. Corrections: Representative Jerry Madden (R-Richardson)
7. County Affairs: Representative Garnet Coleman (D-Houston)
8. Criminal Jurisprudence: Pete Gallego (D-Alpine)
9. Culture, Recreation & Tourism: Representative Ryan Guillen (D-Rio Grande City)
10. Defense & Veterans' Affairs: Representative Joe Pickett (D-El Paso)
11. Economic & Small Business Development: Representative John Davis (R-Houston)
12. Elections: Representative Larry Taylor (R-Friendwood)
13. Energy Resources: Representative Jim Keffer (R-Eastland)
14. Environmental Regulation: Representative Wayne Smith (R-Baytown)
15. General Investigating & Ethics: Representative Chuck Hopson (R-Jacksonville)
16. Government Efficiency & Reform: Representative William "Bill" Callegari (R-Katy)
17. Higher Education: Representative Dan Branch (R-Dallas)
18. Homeland Security & Public Safety: Representative Sid Miller (R-Stephenville)
19. House Administration: Representative Charlie Geren (R-Fort Worth)
20. Human Services: Representative Richard Peña Raymond (D-Laredo)
21. Insurance: Representative John Smith (R-Amarillo)
22. Judiciary & Civil Jurisprudence: Representative Jim Jackson (R-Carrollton)
23. Land & Resource Management: Representative Rene Oliveira (D-Brownsville)
24. Licensing & Administrative Procedures: Representative Mike Hamilton (R-Mauriceville)
25. Local & Consent Calendars: Representative Senfronia Thompson (D-Houston)
26. Natural Resources: Representative Allan Ritter (R-Nederland)
27. Pensions, Investments & Financial Services: Representative Vicki Truitt (R-Keller)
28. Public Education: Representative Rob Eissler (R-The Woodlands)
29. Public Health: Representative Lois Kolkhorst (R-Brenham)
30. Redistricting: Representative Burt Solomons (R-Carrollton)
31. Rules & Resolutions: Representative Ruth Jones McClendon (D-San Antonio)
32. State Affairs: Representative Byron Cook (R-Corsicana)
33. Technology: Representative Aaron Peña (R-Edinburg)
34. Transportation: Representative Larry Phillips (R-Sherman)
35. Urban Affairs: Representative Harold Dutton Jr. (D-Houston)
36. Ways & Means: Representative Harvey Hilderbran (R-Kerrville)
37. Select Committee on State Sovereignty: Representative Brandon Creighton (R-Conroe)
38. Select Committee on Voter Identification and Voter Fraud: Representative Dennis Bonnen (R-Angleton)

- o Election Contest, Select (Previously announced): Representative Todd Hunter (R-Corpus Christi)
- o Joint Committee on Oversight and HHS Eligibility System: Representative Fred Brown (R-College Station)

Follow Speaker Straus online at <http://twitter.com/SpeakerStraus>

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P.O. Box 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-1000 • FAX (512) 463-0675

TX_00006483

Defendant's Exhibit #

DE-004145

411

USA_00011642

By: Smith of Tarrant

H.B. No. 1338

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that a voter provide proof of
3 citizenship when registering to vote.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.002, Election Code, is amended by
6 amending Subsection (c) and adding Subsection (i) to read as
7 follows:

8 (c) A registration application must include:

9 (1) the applicant's first name, middle name, if any,
10 last name, and former name, if any;

11 (2) the month, day, and year of the applicant's birth;

12 (3) a statement that the applicant is a United States
13 citizen;

14 (4) a statement that the applicant is a resident of the
15 county;

16 (5) a statement that the applicant has not been
17 determined by a final judgment of a court exercising probate
18 jurisdiction to be:

19 (A) totally mentally incapacitated; or

20 (B) partially mentally incapacitated without the
21 right to vote;

22 (6) a statement that the applicant has not been
23 finally convicted of a felony or that the applicant is a felon
24 eligible for registration under Section 13.001;



H.B. No. 1338

5 (8) the following information:

9 (B) if the applicant has not been issued a number
10 described by Paragraph (A), the last four digits of the applicant's
11 social security number; or

12 (C) a statement by the applicant that the
13 applicant has not been issued a number described by Paragraph (A) or
14 (B);

15 (9) if the application is made by an agent, a statement
16 of the agent's relationship to the applicant; [and]

17 (10) the city and county in which the applicant
18 formerly resided; and

24 (i) The secretary of state by rule may prescribe the
25 documents that may be used as proof of a voter's United States
26 citizenship under Subsection (c)(11).

27 SECTION 2. Section 13.121(a), Election Code, is amended to

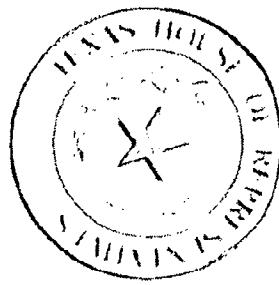
H.B. No. 1338

1 read as follows:

2 (a) The officially prescribed application form for
3 registration by mail must be in the form of [a] business reply mail
4 [postcard], unless another form or system is used under Subsection
5 (b), with postage paid by the state. The secretary of state shall
6 design the form to enhance the legibility of its contents.

7 SECTION 3. The change in law made by this Act to Section
8 13.002, Election Code, applies to a voter registration application
9 submitted on or after September 1, 2011.

10 SECTION 4. This Act takes effect September 1, 2011.



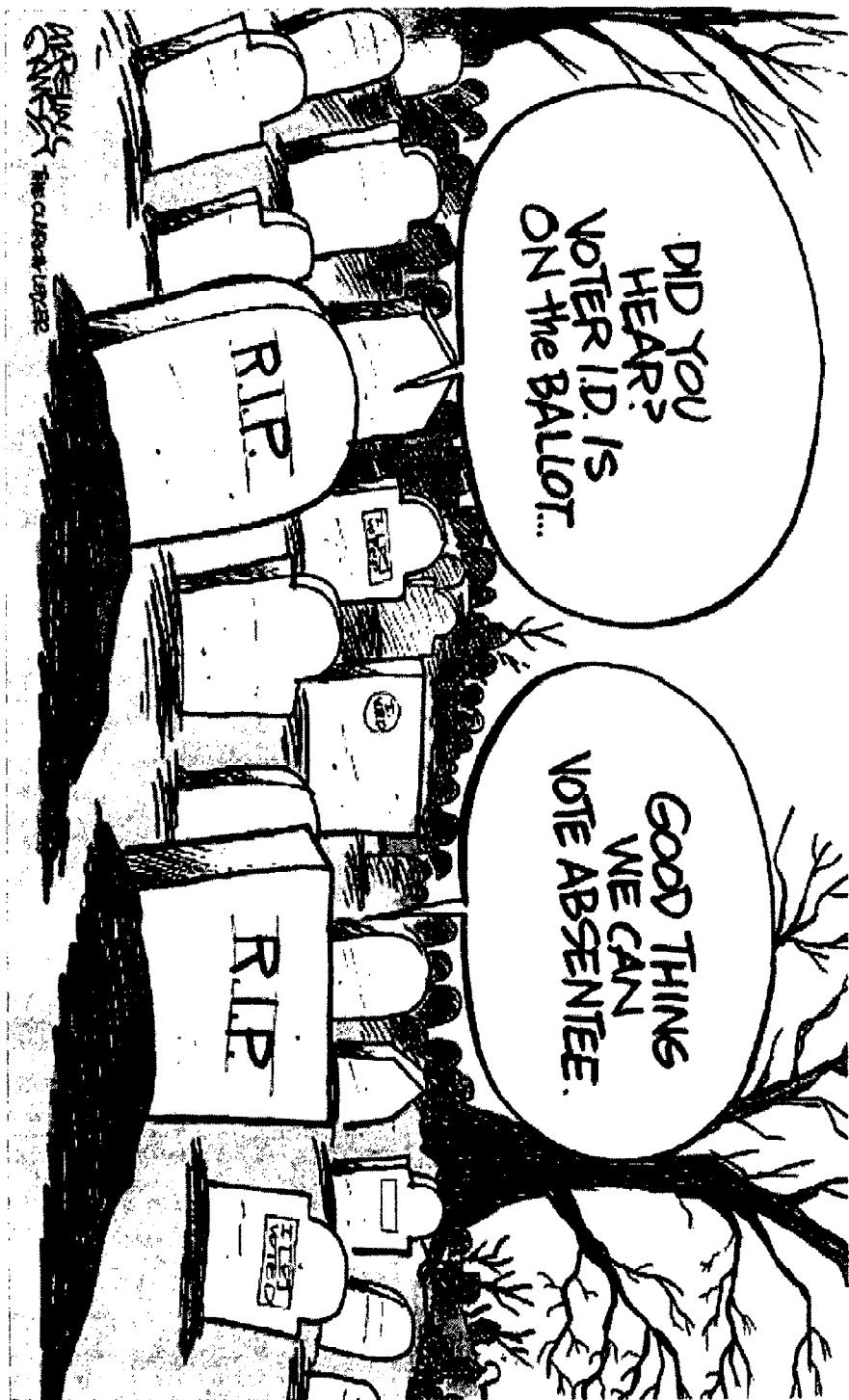
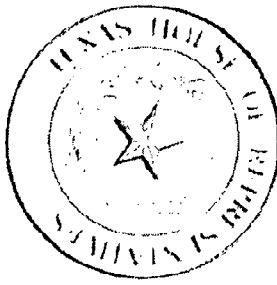
Voter Identification Forum

Todd Smith

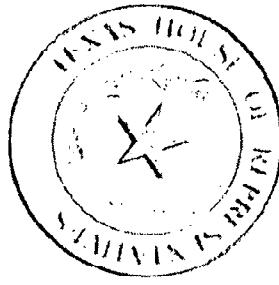
Chairman, Texas House of Representatives
House Committee on Elections

81st Legislative Interim

Representative Todd Smith



Representative Todd Smith



I. Background

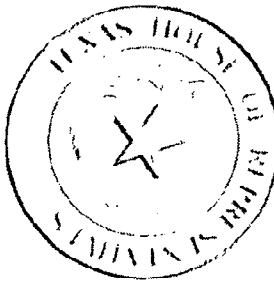
Representative Todd Smith



GOP Argument

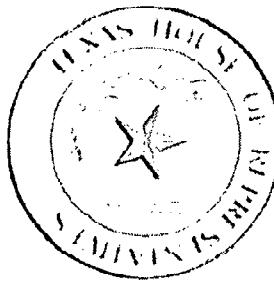
- ★ In person voter fraud is extremely difficult to detect and prove under current laws. Voter ID is a proven way to deter ineligible voters from casting ballots and catch and prosecute them when they do.
- ★ Almost every other industrial democracy in the world requires photo identification to vote.
- ★ Citizens can't cash a check or get on an airplane without photo identification.
- ★ Since 2002, the Attorney General's office has received 267 alleged election code violations.
- ★ A Rasmussen Report in October 2008 found 88% of likely voters support photo ID, which was consistent across ethnicities.
- ★ Studies show no effect on turnout, and in the 2008 election the two states with the strictest photo ID requirements, Indiana and Georgia, saw record numbers of people voting and a 6-8 percent increase among Democratic voters.

Representative Todd Smith



Democrat Response

- ★ Voter Identification legislation being proposed in Texas doesn't address the real problem in Texas, mail-in ballot fraud, it only addresses voter impersonation, which does not exist.
- ★ In person voter fraud doesn't happen because the odds of getting caught are extremely high, the penalties are extremely serious (felony) and the payoff is miniscule (one vote for candidate of your choice).
- ★ The 2005 Carter-Baker Commission cited the U.S. Department of Transportation and the U.S. Census Bureau in finding that approximately 12 percent of the national voting-age population lack a driver's license. Using 2009 census estimations of the citizen voting-age population in Texas, this translates to more than **2.1 million Texans**.
- ★ Estimates of voters who have no photo ID of any kind range from 1-5%. It takes ID to get photo ID. For example, a certified birth certificate is required to obtain government-issued photo identification. In Texas the cost ranges from \$22.00 to \$43.00 to obtain a Texas birth certificate. Putting a price on the prerequisites for voting creates a modern day Poll Tax.
- ★ A study conducted by the NYU School of Law and other studies have found that **seniors, minorities, people with disabilities, low-income voters, and students** are less likely to possess government-issued photo ID.
- ★ Texas Attorney General Greg Abbott spent \$1.4 million on a voter fraud crusade in 2005-2006, in the end without prosecuting a single case of voter impersonation.



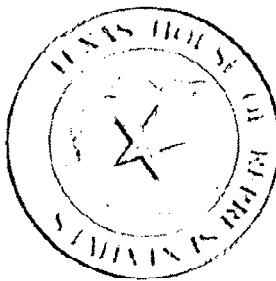
Process for Getting DPS-Issued ID Card

PROCESS FOR GETTING DPS-ISSUED ID CARD

- (3) ID card is processed in Austin (no matter where in Texas it is requested)
- (4) ID card is mailed from Austin 2-6 weeks after request

[DPS offices in Harris, Dallas, Tarrant, El Paso, Maverick, and Liberty counties confirm that all driver's license and ID requests in Texas are sent to Austin for processing and take 2-6 weeks.]

Representative Todd Smith



Process for Getting a Copy of Texas Birth Certificate

PROCESS FOR GETTING COPY OF TEXAS BIRTH CERTIFICATE

(1) In Austin (Office of Vital Statistics):

- Bring photo ID, OR two documents with your name, one of which has your signature, OR a copy of immediate family member's photo ID
- Birth certificate usually ready in less than 2 hours

(2) Online order:

- Enter driver license number

- Birth certificate delivered in 10-15 days

(3) By expedited mail:

- Submit application with ID documents by overnight mail or fax

- Birth certificate delivered in 10-15 days

(4) By regular mail:

- Submit application with ID documents by regular U.S. mail

- Birth certificate delivered in 3-4 weeks if credit card payment, or ready in 6-8 weeks if check or money order payment

Representative Todd Smith

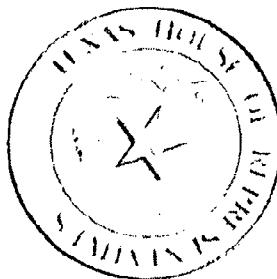


Carter-Baker Commission Report 2005

- ★ The commission's quote on voter fraud in its final report:

“While the Commission is divided on the magnitude of voter fraud – with some believing the problem is widespread and others believing that it is minor – **there is no doubt that it occurs**. The problem, however, is not the magnitude of the fraud. In close or disputed elections, **and there are many**, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. . . We view the other concerns about IDs – that they could disenfranchise eligible voters, have an adverse effect on minorities, or be used to monitor behavior – as serious and legitimate, and our proposal below aims to address each concern.”

- ★ Recommended that all states require voters to use the Real ID card. With that law, a real ID card can double as a voting card.



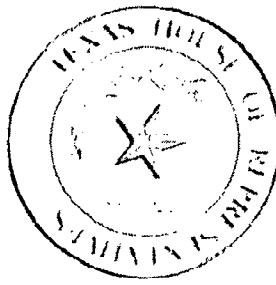
Every Vote Counts

Close Races in Texas

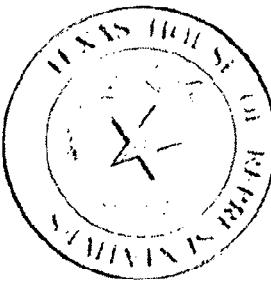
- 2008 General Election
 - Linda Harper-Brown: Won by 19 votes (.05% of total votes cast)
 - Chuck Hopson: Won by 120 votes (.23% of total votes cast)
- 2008 Primary Election
 - Dora Olivo: Won by 187 votes (.63% of total votes cast)
 - Doug Miller: Won by 17 votes (.06% of total votes cast)
- 2006 General Election
 - Robby Cook: Won by 415 votes (1.03% of total votes cast)
 - Joe Heflin: Won by 217 votes (.74% of total votes cast)
 - Paula Hightower Pierson: Won by 587 votes (2.66% of total votes cast)
 - Kirk England: Won by 235 votes (1.1% of total votes cast)
- 2006 Primary Election
 - Barbara Mallory Caraway: Won by 82 votes (1.74% of total votes cast)
 - Nathan Macias: Won by 46 votes (.23% of total votes cast)
 - Thomas Latham: Won by 65 votes (1.77% of total votes cast)
 - Tan Parker: Won by 47 votes (.74% of total votes cast)
 - Susan King: Won by 105 votes (1.02% of total votes cast)



Legal Hurdles

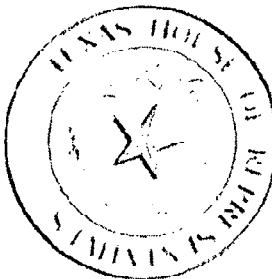


- A. U.S. Constitution
- B. State Constitution
- C. 1965 Voting Rights Act
(Certain states, including Texas)



Voting Rights Act

- ★ The burden is on the state to prove that the change in law will be free of any racially discriminatory purpose or effect. ("retrogression" i.e., will not reduce to any degree minority electoral participation).
- ★ Texas must submit a proposed change in elections law for approval to either the Department of Justice or to the District Court for the District of Columbia for final approval.
- ★ The DOJ is led by Attorney General Eric Holder, President Obama's appointment.
- ★ The DC District Court has 11 active judges – 6 appointed by Clinton, 4 appointed by George W. Bush, 1 appointed by Reagan and 4 that are currently vacant and will be appointed by Obama (i.e., 10 Democrats; 5 Republicans). For each case, the court will randomly select 3 Judges that will oversee the proceedings.



Hard Photo ID States

★ Indiana

- ★ Photo ID required
- ★ Exemptions for the indigent, those with a religious objection to being photographed, and those living in state-licensed facilities that serve as their precinct's polling place
- ★ Not a Voting Rights state

★ Georgia

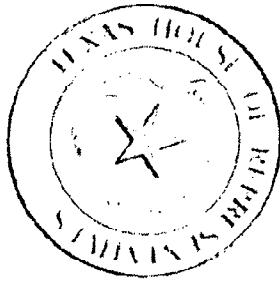
- ★ Hard Photo ID law
- ★ No exemptions
- ★ Approved by the Bush Justice Department

★ Florida

- ★ Photo ID law
- ★ No exemptions, but voting allowed with signature match
- ★ Approved by Bush Justice Department

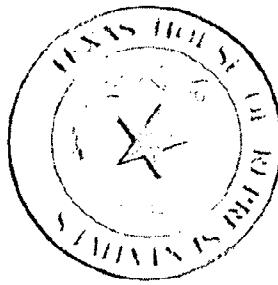
Bottom Line: No hard photo ID law has ever been approved under the Voting Rights Act by either the Obama Department Of Justice or the D.C. District Court.

Representative Todd Smith



II. History of Voter Identification in Texas

Representative Todd Smith



The History – Prior Sessions

- ★ Law prior to 1997: Individuals could vote in person without any documentation.
- ★ 75th (1997): HB 330, Danburg, D-Houston (House had 68 Republicans)
 - ★ This bill amended the Election Code to require for the first time – that every voter show some form of documentation in order to vote. ***Current Law**
 - ★ During the House Elections Committee hearing, no one testified against the bill. In fact, the Texas Democratic Party testified in favor of the legislation.
- ★ 79th (2005): HB 1706, Denny (House had 87 Republicans)
 - ★ HB 1706 would require a voter to present either one form of photo ID or two non-photo ID's to vote.
- ★ Passed the House, (3 Republicans Voted Nay, 1 Democrat voted Aye)
- ★ Died in the Senate Committee on State Affairs without a hearing, 11 Democratic Senators signed a letter that said they would filibuster the legislation if it came to the floor.

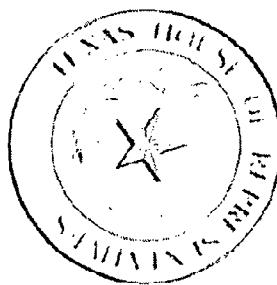


80th (2007) Legislative Session (80 House Republicans)

- ★ 80th, HB 218, Brown, Betty
- ★ Leo Berman was the Chairman of the Elections Committee (4 Republicans and 3 Democrats).
- ★ HB 218 would require a voter to present either one form of photo ID or two non-photo ID's to vote.
- ★ Passed House, two Republicans and every Democrat voted against this legislation.
- ★ Died in Senate after 2nd reading.

Amendments added on the House floor in order to gain passage:

- ★ **All of these amendments were acceptable to the Author.**
- ★ Betty Brown offered an amendment to delay implementation for 15 months.
- ★ Set forth the following exemptions for ID requirements:
 - any person 80 years of age or older and has a voter registration certificate – Offered by Betty Brown
 - allows voters designated in a disaster area to show only a voter registration certificate or one form of identification
 - allows voters to vote with only a voter registration certificate if the certificate indicates they are a service-disabled veteran or a military widow or widower.

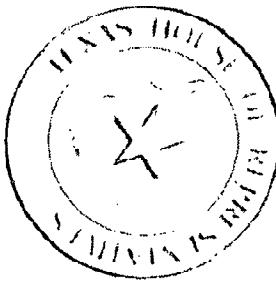


80th Interim Report

What the prior committee learned

House Committee on Elections, 80th Interim Report. Leo Berman, Chairman

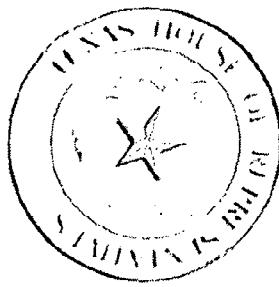
- ★ Makeup of the committee was three democrats and four republicans.
- ★ *Interim Charge 2: Examine the prevalence of fraud in Texas elections.*
 - ★ “At the end of the hearing all committee members could agree that there is some amount of fraud in Texas’ election process. What the committee found is most election fraud happening in Texas occurs within the absentee or mail-in ballot system, through voter registration, and through politiqueras or vote brokers which are usually found in South Texas.”
- (*Politiqueras* are paid to deliver votes, usually by shepherding elderly to polls or by manipulating the mail-in ballot system.)
- ★ “Another highly controversial topic brought up during the hearing was the debate of whether or not illegal aliens or legal non-citizens were voting, and/or on the voting rolls. Through talking with our county election officials and other experts the committee found the chances of an illegal alien actually voting are very slim; however there are legal non-citizens who could be on the voter registration lists and according to testimony, especially true in south Texas, there is not sufficient information to know who is a legal non-citizen and who is a U. S. citizen.”



81st Legislative Session

76 House Republicans – 75 after heart attack to
Rep. Kuempel

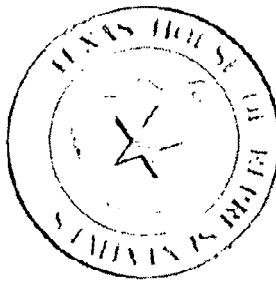
- ★ 81st (2009), SB 362, Fraser
- ★ Must present one photo or two non-photo at the polling place.
- ★ No exemptions.
- ★ Provides free ID cards to voters without a driver license.



Chairman Smith's Legislative Record on Voter ID

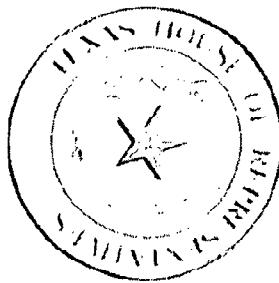
- ★ 75th (1997)
HB 330, Danburg: voted aye on both 2nd and 3rd reading
- ★ 79th (2005)
HB 1706, Denny: voted aye in committee and on both 2nd and 3rd reading
SB 89, Averitt: Denny attached HB 1706 to this legislation. Voted aye on the amendment and on both 2nd and 3rd reading.
- ★ 80th (2007)
HB 218, Brown Betty: voted aye on both 2nd and 3rd reading
- ★ 81st (2009)
Filed HB 3948, a shell bill for Voter Identification
House Sponsor to SB 362 and filed a complete floor substitute to SB 362
Voted aye in committee.

Total votes = 11 in favor, never against.



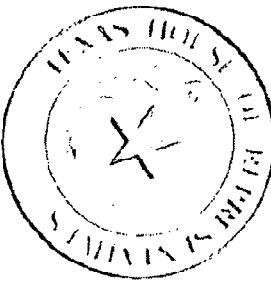
Timeline of Voter ID 81st Legislature

- ★ 12-15-2008 SB 362 Filed by Sen. Fraser
- ★ 01-13-2009 Rep. Joe Straus elected Texas Speaker of the House.
- ★ 01-14-2009 Senate eliminated their long standing “two thirds rule” in order to bring voter ID legislation to the Senate floor.
- It would take 63 days before the legislation would pass the Senate.



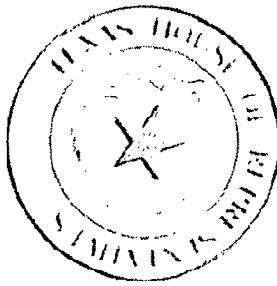
Timeline of Voter ID 81st Legislature

- ★ 02-12-2009 Rep. Smith appointed Chairman of the Elections Committee
- ★ 03-11-2009 Passed the Senate Committee of the Whole
- ★ 03-18-2009 Passed the Senate on 3rd reading. Vote was along party lines.
- ★ 03-31-2009 Referred to the House Committee on Elections.
- ★ 04-06/07-2009 Public Hearing on SB 362
- ★ 04-18-2009 SB 1, "State Budget" passes house.
Numerous Sunset Legislation (i.e., Insurance, TxDOT, DPS, Texas Parks and Wildlife, Texas Youth Commission) pending in the House.



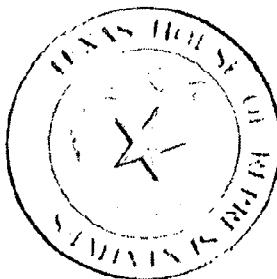
The Votes in the House

- ★ A hard photo identification bill did not have the votes to pass the House floor.
- ★ In 2005 and 2007, Republicans (Denny, Brown) didn't pass and didn't even propose a "hard" photo ID bill with 87 and 80 Republicans, respectively.
- ★ In 2009 Republicans had 76 members, but
 - ★ The two Republican members who voted against Voter ID in 2007 were still members. (74)
 - ★ Chairman Kuempel was unavailable to vote due to a heart attack . (73)
 - ★ Speakers do not typically vote as leaders of the House. (72)
- ★ Bottom Line: Republicans needed several Democrats to pass voter ID because they only had 72 or 73 votes (mine included).



Chairman Smith's Change

- ★ To get the marginal votes (Merritt, Jones, Hopson, Heflin, Homer), Todd Smith proposed SB 362 with just two major additions:
 - ★ Money for legal voter registration drive/education and training;
 - ★ A two-year delay for education of voters as they vote.



Rep. Brown proposed Exemptions

Sec. 63.0012. EXEMPTION FROM PROOF OF IDENTIFICATION

REQUIREMENT. (a) A voter who presents the voter's voter registration certificate is not required to present any additional form of documentation listed in Section 63.0101 if the voter executes an affidavit claiming the voter does not possess the documentation because the voter:

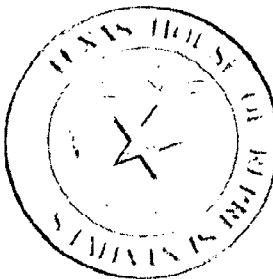
- (1) is indigent;
- (2) has a religious objection to the documentation;
- (3) is 70 years of age or older and has never been issued a birth certificate because the person's birth was never recorded with any state office of vital statistics; or
- (4) resides in a nursing home or residential care facility.



Difference between Rep. Brown vs. Rep. Smith's Language

★ New and Enhanced Penalties for Fraud

- ★ Smith – Enhances penalties for illegal voting and for falsifying voter registration applications.
- ★ Brown - Does not enhance penalties.



71 Republicans Signed the following Statement of Principles

★ 04-28-2009



REPUBLICAN PARTY OF TEXAS

FOR IMMEDIATE RELEASE:
Tuesday, April 28, 2009

CONTACT:
Eric Opiela (512) 477-9821

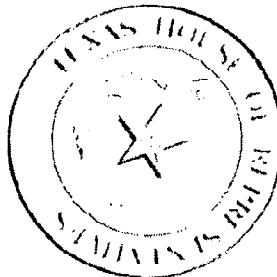
100 Congress Avenue, Suite 300
Austin, TX 78701
Phone: 512-477-9821
Fax: 512-480-0744
www.texasgop.org
Tina J. Beckner, Grammar

Texas GOP Applauds House Republican Caucus Members' Statement of Principles on Voter ID

1. Ensure a valid photo identification is needed to vote
2. Take effect at the next possible uniform election date
3. Be free of any registration requirements such as same day voter registration that dilutes the intent of the bill, which is ensuring fair and accurate elections
4. Increase criminal penalties for voter fraud and registration

We are all strongly encouraging Chairman Todd Smith and the other Representatives on the Elections Committee to present a bill which protects the integrity of the electoral process, is fully implemented at the next possible uniform election date and ensures a reasonable period of advanced registration to allow voter registrars the time to protect the integrity of the registration process as well."

Representative Todd Smith



★ 04-28-2009

To: [REDACTED]
Date: Tue, 28 Apr 2009 15:45:27 -0500
Subject: Fw: Texas Legislative Alert
From: [REDACTED]

To: Members/Friends of Northeast Tarrant County Republican Club

The below message is self-explanatory and forwarded FYI and appropriate action.



Tarrant County has one of their own at the head of this debate. State Representative Todd Smith Chairs the Elections Committee of the Texas House and is crafting a Voter ID bill. Representative Smith has publicly suggested waiting 4 years to implement the bill and has even considered allowing people to register and vote on Election Day.

As Chairman of the Elections Committee, it is essential that Representative Todd Smith champion a Voter ID bill that protects the electoral process and is immediately implemented.

Why would we pass a bill to protect the electoral process, but then wait several elections before we implement it? The sanctity of the electoral process deserves immediate protection, and should not be delayed for 4 years.

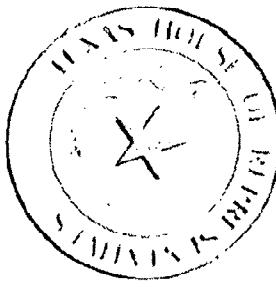
Please phone Representative Smith's office at (817) 283-3131 or (512) 463-0522 and urge him to protect the electoral process by:

1. Making certain that photo identification is required to vote in Texas.
2. Any Voter ID bill should take effect immediately.
3. Opposing Same day voter registration requirements are a recipe for voter fraud and will dilute the intent of the bill, of ensuring fair and accurate elections

The legislative session will end soon. Please call today!

Stephanie Klick,
Chairman

Representative Todd Smith



The House Committee on Elections

Rep. Todd Smith, Chairman (R) [

Rep. Dwayne Bohac (R)

Rep. Dennis Bonnen (R)

Rep. Betty Brown (R)

Rep. Linda Harper-Brown (R)

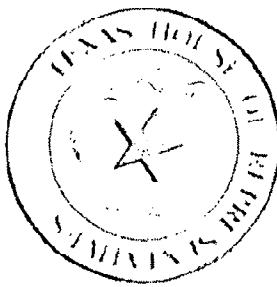
Rep. Joe Heflin (D)

Rep. Aaron Peña, Vice -Chairman (D)

Rep. Alma Allen (D)

Rep. Rafael Anchia (D)

★Must have
5 of these 6
members to
pass a bill.



Timeline of Voter ID 81st Legislature

Are Republicans Trying to Kill Voter ID? *Austin Chronicle* Article

Lee Nichols Wed May 6, 6:53pm, 2009

Todd Smith is getting exasperated. You can hear it in his voice.

The chair of the House Elections Committee, a Republican from Euless, wants to deliver a voter ID bill to Gov. Perry's desk

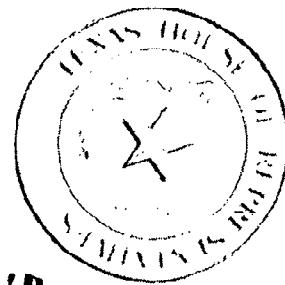
But ironically, it's a pair of Republicans that Smith says are preventing him from getting it out of committee.



Timeline of Voter ID 81st Legislature

★ 05-07-2009

(AP: Article published in Fort Worth Star Telegram)
Rep. Betty Brown said she wanted to improve the bill. "Just give us a little more time to work on it," she said. "I think we are getting closer."



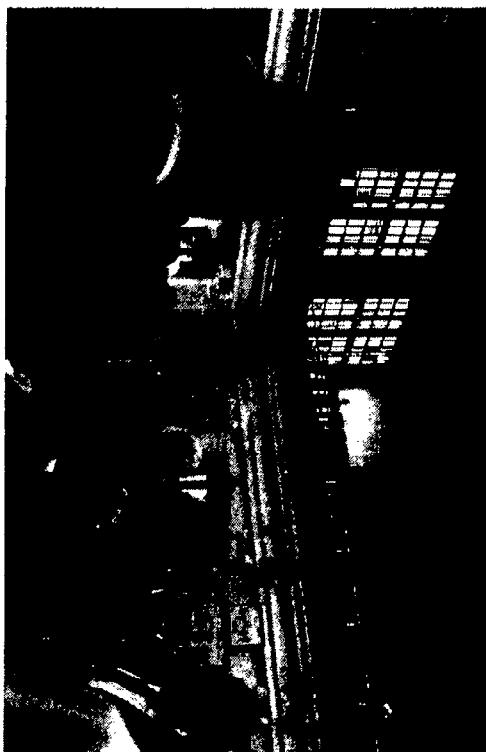
Timeline of Voter ID

81st Legislature

5-11-2009 - Voter ID passes the House Committee on Elections

- ★ SB 362 passed on a 5-4 vote, with Rep. Heflin joining the Republicans and Rep. Bonnen joining the Democrats.

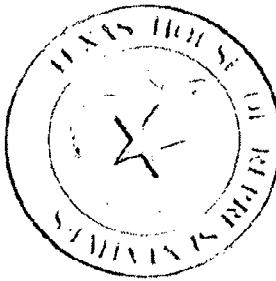
- ★ Within 5 days of learning that Rep. Brown and Rep. Harper-Brown would only vote for a bill than was identical to the Senate Bill, Chairman Smith votes that version out of committee.



- ★ 167 bills passed out of House Committees 5-11 through 5-13.
- ★ 107 of those bills passed the House
- ★ That means 64 percent of the bills that passed out of House Committees 5-11 through 5-13 passed on the House floor.

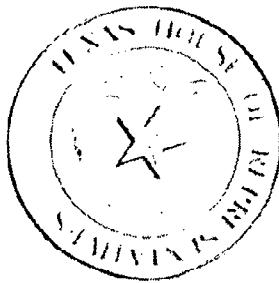
photo from *A Capitol Blog* by Vice-Chair Peña

Representative Todd Smith



Timeline of Voter ID 81st Legislature

- ★ 05-12-2009 State GOP given opportunity to scrub the bill.
- ★ 05-21-2009 Considered and reported out of the Calendars Committee. Placed on Major State Calendar – the calendar which is given the highest priority among bills that day.
- ★ 05-22-2009 Unprecedented "chubbing" starts by Democrats to kill voter ID.
- ★ 05-23-2009 Eligible on Major State Calendar – “chubbing” continues... killing hundreds of bills, including major Sunset legislation.



05-25-2009 Democrats proposal to end the “chubbing” on voter
ID. Up or down vote on Betty Brown’s floor substitute.

MOTION IN WRITING

BY: _____

1 Mr. Speaker:

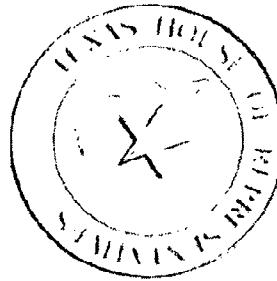
2 I move to suspend all necessary rules to take up and
3 consider at this time Senate Bill 362 by Fraser on second
4 reading subject to the following limitations and conditions:

5 (1) Immediately upon adoption of this motion, the Speaker
6 shall lay the bill before the House on its second reading.

7 (2) The Speaker shall then immediately recognize Mr. Smith
8 of Tarrant to open debate, and for this purpose Mr. Smith of
9 Tarrant may speak not more than three minutes.

10 (3) The Speaker shall then immediately lay before the
11 House the amendment in the nature of a complete substitute filed
12 by Ms. Brown of Kaufman. The Speaker shall recognize Ms. Brown
13 of Kaufman to speak in favor of the amendment, and for this
14 purpose Ms. Brown of Kaufman may speak not more than three
15 minutes.

Representative Todd Smith

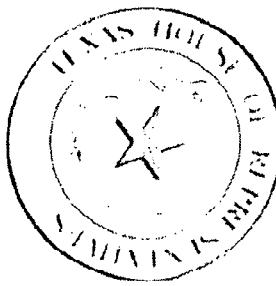


Democrats proposal to end the “chubbing” on Voter ID (cont.)

16 (4) After the speech by Ms. Brown of Kaufman, the
17 amendment shall be considered as adopted, and the chair shall
18 declare the amendment adopted pursuant to this motion in
19 writing. The Brown of Kaufman Amendment is not subject to
20 further amendment in any degree. No other amendments are in
21 order.

22 (5) Following adoption of the Brown of Kaufman Amendment,
23 the Speaker shall immediately put the question of the bill's
24 passage to third reading. Debate on the question of passage to
25 third reading shall not exceed twenty minutes equally divided
26 between proponents and opponents.

27 (6) If the House does not pass the bill to third reading,
28 the double motion to reconsider and table is considered adopted
29 without debate, and the chair shall declare the motion to
30 reconsider and table adopted pursuant to this motion in writing.



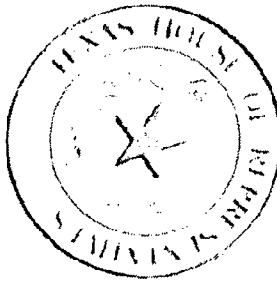
Timeline of Voter ID 81st Legislature

★ 06-01-2009

End of the legislative session.

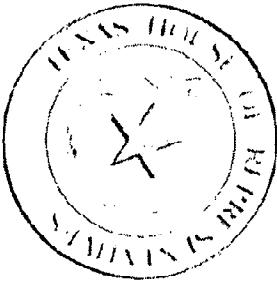
** Though the Legislature met for a special session in July of 2009 to pass Sunset bills, the Governor chose not to add Voter ID to the special session agenda.*

Representative Todd Smith



III. The Future

Representative Todd Smith



81st Interim

- ★ Speaker Straus has asked the Committee on Elections to examine the prevalence of fraud in Texas elections and study new laws in other states regarding voter identification.
- ★ We held a hearing on voter fraud and voter ID legislation on June 14th.
- ★ We will provide an Interim Report to the Speaker by December.
- ★ This report will be available to the public in January 2011.
- ★ It now appears there will be at least 77 Republicans who are willing and eager to pass whatever version of Voter ID is likely to be upheld under the Voting Rights Act. The primary restraint will be legal rather than political.



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FEATURED: VOTER ID LAWS

Are you prepared? Voter ID law takes effect in Texas

by blake • July 18, 2013

Effective immediately, the following forms of photo identification will be accepted at the poll for voting purposes. This new law will be in effect for the upcoming **November 5, 2013** local elections. A voter will be required to show one of the following seven (7) forms of photo identification at the polling location before the voter will be permitted to cast a vote.

- Texas driver license—unexpired or expired less than 60 days — issued by the Texas Department of Public Safety (DPS)



- Texas Election Identification Certificate (EIC) issued by DPS (For more information on the EIC application process click [HERE](#))



- Texas personal identification card issued by DPS—unexpired or expired less than 60 days



Recent Updates

RECAP: #GetCovered Youth Panel & Twitter Town Hall
#GetCovered Twitter Town Hall
March 22 is #GetCovered Day – List of Locations
ACA Community Forum
Press Release: Urgent Push to Get Young Houstonians Covered





- Texas concealed handgun license issued by DPS—unexpired or expired less than 60 days



- United States military identification card containing the person's photograph



- United States citizenship certificate containing the person's photograph



- United States passport—unexpired or expired less than 60 days



Procedures for Voting

When a voter arrives at a polling location, the voter will be asked to present one of the seven (7) acceptable forms of photo ID. Election officials will now be required by State law to determine whether the voter's name on the identification provided matches the name on the official list of registered voters ("OLRV"). After a voter presents their ID, the election worker will compare it to the OLRV. If the name on the ID matches the name on the list of registered voters, the voter will follow the regular procedures for voting.

If the name does not match exactly but is "substantially similar" to the name on the OLRV, the voter will be permitted to vote as long as the voter signs an affidavit stating that the voter is the same person on the list of registered voters.

If a voter does not have proper identification, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present proper identification to the county voter registrar, or the voter's ballot will be rejected.

The "substantially similar" names protocols can be found at <http://tinyurl.com/subsimname>. They are incredibly subjective. So even if you have one of the required forms of id, and it's current, you could still have a problem if your name on the id is not exactly the same as your name on the voter registration list.

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Tags: [Texas Voter ID](#)

← [Press Statement: Shelby v. Holder](#)

Texas League of Young Voters
Education Fund Files Motion to Join
the DOJ's Lawsuit Against Texas's
Photo ID Law →

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